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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,299	01/04/2007	Miguel Sigo	251066	7946
23460 7590 03/29/2011 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731				
EXAMINER				
RAPILLO, KRISTINE K				
ART UNIT		PAPER NUMBER		
3626				
NOTIFICATION DATE		DELIVERY MODE		
03/29/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chgpatent@leydig.com

Office Action Summary

Application No.

10/570,299

Applicant(s)

SIGO ET AL.

Examiner

KRISTINE K. RAPILLO

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/9/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Request for Continued Examination (RCE) submitted May 13, 2010. Claims 1 - 10 were previously cancelled. Claims 18 - 26 are new.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2010 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 1 recites the limitation " applying by the medical information system the scheduled appointment of said first exam for said at least one other exam when said first and said at least one other exam require the use of the common resource". This limitation is unclear; it appears that the appointment for the first exam is applied to the second exam with no addition time added to the appointment.

Claim Rejections - 35 USC § 101

5. The rejection of claims 11 - 17 under 35 U.S.C. 101 are hereby withdrawn based upon the amendment submitted May 13, 2010.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis (U.S. Publication Number 2002/0131572 A1) in view of Jones (U.S. Publication Number 2003/0014284 A1).

In regard to claim 11 (Previously Presented), Paradis teaches a method for scheduling, via a medical information system, a plurality of exams for a patient, each of said exams requiring at least one resource, the method comprising the following steps:

receiving user input by the medical information system (figures 5 and 6) for:

(a) selecting a first exam (paragraphs 16 and 31 where a task includes surgery, a physical examination, treatment, etc.) and at least one other exam from said list (paragraph 31 where Paradis discloses sub-tasks related to the main task, such as an x-ray); and

(b) scheduling an appointment for said first exam (paragraph 20);

checking by the medical information system whether said first and said at least one other exam require the use of a common resource (paragraphs 18 and 20); and applying by the medical information system the scheduled appointment of said first exam for said at least one other exam (paragraph 20) when said first and said at least one other exam require the use of the common resource (paragraph 20, where a user can block multiple times for an appointment, thus implying the use of a common resource – i.e. examination room).

Jones teaches a method comprising: displaying by the medical information system a listing of a plurality of exams having a grouping relation (paragraphs 25, 29, 31, and 34; claim 5) where Jones discloses a physical examination database which lists various groups available for examination, grouped by the system of the human body (i.e. neck, leg).

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Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over Paradis in view of Jones.

Paradis is directed to a method and system in determining and booking available schedule appointments between a patient's schedule and the schedules of the required resources (i.e. personnel, examination rooms, equipment).

Jones is directed to a database having substantially all of the specific groupings of the human body, therefore the health care provider is guided through a comprehensive physical examination.

It would have been obvious to one of ordinary skill in the art to include in the scheduling system of Paradis the ability to incorporate a database of the groupings as taught by Jones since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In regard to claim 12 (Currently Amended), Paradis and Jones teach a method according to claim 11.

Jones teaches a method further comprising de-selecting exams from said list for which co-scheduling is not applicable (paragraph 36).

The motivation to combine the teachings of Paradis and Jones is discussed in the rejection of claim 11.

In regard to claim 13 (Previously Presented), Paradis and Jones teach the method according to claim 11. Paradis teaches a method further comprising the step of assigning to one of said first exam and to said at least one other exam one of a preferred date period and a preferred time period (paragraph 19).

In regard to claim 14 (Previously Presented), Paradis and Jones teach the method according to claim 11. Paradis teaches a method further comprising the step of assigning to one of said first exam and to said at least one other exam one of a start time and a time interval for starting the exam (paragraph 19).

In regard to claim 15 (Previously Presented), Paradis and Jones teach the method according to claim 11.

Jones teaches a method further comprising the step of copying information from said first exam to said at least one other exam (paragraph 40).

The motivation to combine the teachings of Paradis and Jones is discussed in the rejection of claim 11.

In regard to claim 16 (Previously Presented), Paradis and Jones teach the method according to claim 11. Paradis teaches a method further comprising the step of generating a confirmation letter for said first exam (paragraphs 20, 22, and 31) where a patient electronically confirms acceptance of an appointment.

In regard to claim 17 (Previously Presented), Paradis and Jones teach the method of claim 16. Paradis teaches a method wherein said confirmation letter comprises information for said at least one other exam (paragraphs 20, 22, and 31) where a patient electronically confirms acceptance of an appointment.

8. Claims 18 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis (U.S. Publication Number 2002/0131572 A1) in view of Ralston et al., herein after Ralston (U.S. Patent Number 6,389,454).

In regard to claim 18 (New), Paradis discloses a method for scheduling examinations for a patient, the method comprising: identifying by a medical information system two or more exams for a patient requiring at least one common resource (paragraph 16 and 31 where an examination is selected and a second (or more) examinations may be selected based upon the relationship to the first exam).

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Ralston discloses a method comprising: scheduling by the medical information system the two or more exams such that the at least one common resource is utilized to perform the two or more exams without interruption by an exam for another patient (column 4, line 65 through column 5, line 56) where Ralston discloses scheduling procedures (i.e. exams) where certain procedures involve several procedures which must be performed on the same day or in a sequential order. Thus, it would be obvious for a user to block or schedule a resource for back to back appointments

Claim 18 is rejected under 35 U.S.C. 103 as being unpatentable over Paradis in view of Ralston.

Paradis is directed to a method and system in determining and booking available schedule appointments between a patient's schedule and the schedules of the required resources (i.e. personnel, examination rooms, equipment).

Ralston is directed to a computer implemented method of scheduling procedure at one or more of a number of facilities, where the scheduling includes the availability of the medical personnel, examination rooms, equipment, etc. The procedure can consist of multiple procedures and may require examination on the same day or in a sequential order.

It would have been obvious to one of ordinary skill in the art to include in the scheduling system of Paradis the ability to incorporate the scheduling of multiple procedures in a single day or in a sequential order as taught by Ralston since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In regard to claim 19 (New), Paradis and Ralston teach the method of claim 18.

Ralston teaches a method wherein the two or more exams have a grouping relation indicative of common resources shared by the two or more exams (column 4, line 65 through column 5, line 56) where Ralston discloses scheduling procedures (i.e. exams) where certain procedures involve several procedures which must be performed on the same day or in a sequential order.

The motivation to combine the teachings of Paradis and Ralston is discussed in the rejection of claim 18, and incorporated herein.

In regard to claim 20 (New), Paradis and Ralston teach the method of claim 19. Paradis teaches a method wherein the common resources include at least one of a common physician, a common room, a common medical device, and a common medical staff (paragraph 16).

In regard to claim 21 (New), Paradis and Ralston teach the method of claim 18.

Ralston teaches a method further including setting up a list of the two or more exams in accordance with the grouping relation (column 4, line 65 through column 5, line 56) where Ralston discloses scheduling procedures (i.e. exams) where certain procedures involve several procedures which must be performed on the same day or in a sequential order.

The motivation to combine the teachings of Paradis and Ralston is discussed in the rejection of claim 18, and incorporated herein.

In regard to claim 22 (New), Paradis and Ralston teach the method of claim 18.

Ralston teaches a method further including scheduling the two or more exams in a common time frame (column 4, line 65 through column 5, line 56) where Ralston discloses scheduling procedures (i.e. exams) where certain procedures involve several procedures which must be performed on the same day or in a sequential order.

The motivation to combine the teachings of Paradis and Ralston is discussed in the rejection of claim 18, and incorporated herein.

In regard to claim 23 (New), Paradis teaches a method for scheduling a plurality of exams for a patient in a medical information system, each of the plurality of exams requiring at least one resource, the method comprising: scheduling an appointment for a first exam of the plurality of exams (paragraphs 16 and 31); and determining by the medical information system a second exam in the plurality of exams (paragraph 31),

Ralston teaches a method comprising: wherein the first and second exams require at least one common resource (column 4, line 65 through column 5, line 56); and scheduling an appointment for the second exam such that the at least one common resource is utilized to perform both the first and second exams for the patient without an intervening use of the at least one common resource by a different patient (column 4, line 65 through column 5, line 56) where Ralston discloses scheduling procedures (i.e. exams) where certain procedures involve several procedures which must be performed on the same day or in a sequential order).

The motivation to combine the teachings of Paradis and Ralston is discussed in the rejection of claim 18, and incorporated herein.

In regard to claim 24 (New), Paradis and Ralston teach the method according to claim 23.

Ralston teaches a method further comprising scheduling the first and second exams for a common time slot patient (column 4, line 65 through column 5, line 56) where Ralston discloses scheduling procedures (i.e. exams) where certain procedures involve several procedures which must be performed on the same day or in a sequential order).

The motivation to combine the teachings of Paradis and Ralston is discussed in the rejection of claim 18, and incorporated herein.

9. Claims 25 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis (U.S. Publication Number 2002/0131572 A1) in view of Ralston et al., herein after Ralston (U.S. Patent Number 6,389,454) further in view of Jones (U.S. Publication Number 2003/0014284 A1).

In regard to claim 25 (New), Paradis and Ralston teach the method according to claim 23.

Jones teaches a method further comprising grouping the plurality of exams in accordance with a grouping relation (paragraphs 25, 29, 31, and 34; claim 5).

Claim 25 is rejected under 35 U.S.C. 103 as being unpatentable over Paradis in view of Ralston, further in view of Jones.

Paradis is directed to a method and system in determining and booking available schedule appointments between a patient's schedule and the schedules of the required resources (i.e. personnel, examination rooms, equipment).

Ralston is directed to a computer implemented method of scheduling procedure at one or more of a number of facilities, where the scheduling includes the availability of the medical personnel, examination rooms, equipment, etc. The procedure can consist of multiple procedures and may require examination on the same day or in a sequential order.

Jones is directed to a database having substantially all of the specific groupings of the human body, therefore the health care provider is guided through a comprehensive physical examination.

It would have been obvious to one of ordinary skill in the art to include in the scheduling system of Paradis and Ralston the ability to incorporate a database of the groupings as taught by Jones since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In regard to claim 26 (New), Paradis, Ralston, and Jones teach the method according to claim 25.

Jones teaches a method wherein the grouping relation indicates the common resources shared by the plurality of exams (paragraphs 25, 29, 31, and 34; claim 5).

The motivation to combine the teachings of Paradis, Ralston, and Jones is discussed in the rejection of claim 25, and incorporated herein.

Response to Arguments

10. Applicant's arguments filed May 13, 2010 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in the order in which they were received.

11. Regarding claim 11, the Applicant argues neither Paradis nor Jones, even if combined, teach or suggest all of the steps required by claim 11 as amended. The examiner respectfully disagrees. Paradis discloses (as discussed above) scheduling appointments based upon the resources needed for the

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examination. Jones teaches a database which groups systems of the human body, thereby creating a relationship between illnesses/injuries. Therefore, it would be obvious to incorporate the grouping feature of Jones in the scheduling system of Paradis to create an scheduling system which incorporates the schedules of physicians, patients and resources (paragraph 31).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Morgan can be reached on 571-272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. K. R./
Examiner, Art Unit 3626

//Neal R Sereboff//
Examiner, Art Unit 3626